



09-CV-00908-DISCL

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CLERK OF DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
SEATTLE

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

WASHINGTON STATE LONG-TERM CARE
OMBUDSMAN, LOUISE RYAN, et al.,

Plaintiffs,

v.

SUSAN DREYFUS, in her professional
capacity as Secretary of Washington State
Department of Social and Health Services, et
al.,

Defendants.

CV9 908 RAJ

STIPULATED PROTECTIVE ORDER

I. STIPULATION

The parties in this litigation have produced and intend to produce medical records, public assistance records and other information that are necessary for use in this lawsuit but are private and confidential. Plaintiffs request protection against improper disclosure of their confidential records. Defendant also requests certain protection against improper disclosure of confidential client information. Recognizing that these records and other confidential information in this case may be subject to protection under Local Rule 5(g) and Civil Rule 26(c) of the Federal Rules of Civil Procedure, the parties stipulate to the following protective order.

IT IS SO STIPULATED.

STIPULATED PROTECTIVE ORDER - 1

No. [Cause Number]

no # c296302

MACDONALD HOAGUE & BAYLESS
705 Second Avenue, Suite 1500
Seattle, Washington 98104
Tel 206.622.1604 Fax 206.343.3961

DATED this 30th day of June, 2009.

MacDONALD HOAGUE & BAYLESS

OFFICE OF THE ATTORNEY GENERAL

By:

Andrea Brenneke
Andrea Brenneke, WSBA # 22027
Attorneys for Plaintiffs

By:

Michael M. Young
Michael M. Young, WSBA # 35562
Attorneys for Defendants

CROLLARD LAW OFFICES

By:

Jeff Crollard
Jeff Crollard, WSBA # 15561
Attorneys for Plaintiffs

II. PROTECTIVE ORDER

1. Any party to this action may, on and after the date this Order is signed by the Court, designate as confidential any document thereafter sought to be discovered by any other party that is "confidential material" as defined by this Order. The terms of this order shall govern as to all aspects of the procedures to be followed in making or challenging such designations, and the terms, conditions, and restrictions on the use of confidential materials. By designating a document, thing, material, testimony or other information derived therefrom as "confidential" under the terms of this order, the party making the designation is certifying to the court that there is a good faith basis both in law and in fact for the designation within the meaning of LR 5(g)(4), Western District of Washington.

2. The parties agree that this Order shall apply whether the materials or documents have been filed with the court together with pleadings or motions, or produced by a party pursuant to formal discovery, by subpoena or by agreement.

3. The term "Confidential Materials" as used in this Order includes, but is not limited to: Any written, photographic or electronic media, summaries thereof and attachments thereto, answers to interrogatories, requests for admissions and answers thereto, answers to requests for production, deposition transcripts and exhibits, which include material pertaining to plaintiff's health care information as that term is defined in state law.

STIPULATED PROTECTIVE ORDER - 2

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1 4. The term "Counsel" means a law firm representing a party in this action and its
2 attorneys, employees, including without limitation legal associates, paralegals, and clerical or
3 other support or office staff.

4 5. The parties shall designate "Confidential Materials" as follows: designation shall
5 be made by placing the following legend on every page of any such Document, or the cover page
6 of a group of Documents, prior to production, "Confidential Material." In the event that a
7 document was produced prior to designating it as "Confidential Material" or if a party
8 inadvertently fails to stamp or otherwise designate a Document or other material containing
9 confidential information as "Confidential Material" at the time of its production, that party may
10 at any time thereafter stamp or otherwise designate the Document or other information as
11 "Confidential Material." Such Document or other information shall be treated as "Confidential
12 Material" as of the time of the designation.

13 6. Except as expressly provided for in this Protective Order, the parties agree that
14 they will not communicate or disclose in any manner either directly or indirectly to any person or
15 entity any Confidential Materials and any information contained therein. The parties agree that
16 they will only use Confidential Materials and any information contained therein for their
17 prosecution or defense of this litigation and for no other purpose.

18 7. Confidential Materials produced during this litigation, and information contained
19 in Confidential Materials shall not be disclosed to any other person except to the following
20 individuals:

21 a. Counsel for any party in this action, including their associates, paralegals,
22 legal assistants, clerical and other support staff or services, as well as stenographic reporters
23 engaged in proceedings incident to preparation for trial or the trial of this matter;

24 b. Each of the named parties in this action, their agents, determined in good
25 faith to have a need to know and regarding which they have been given proper authorization in
26 writing to have such access; and
27

STIPULATED PROTECTIVE ORDER - 3

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1 c. Any person who has been called to testify, in deposition or at trial, except
2 that such person may only be shown copies of "Confidential Material" in preparation for and
3 during his/her testimony to the extent determined in good faith to have a need to know to verify
4 or challenge information, and regarding which they have been given proper authorization in
5 writing to have access to such information; and that such person may not retain any such
6 "Confidential Material;"

7 d. Experts and/or other professionals retained by any party for trial
8 preparation purposes and to prosecute or defend this litigation;

9 e. The person who prepared or directly participated in the preparation of any
10 particular document;

11 f. The person to whom a particular document or copies thereof were
12 addressed or delivered;

13 g. Any third-party witness in preparation for, or during, their deposition or
14 testimony at trial or a hearing in this litigation, and regarding which they have been given proper
15 authorization in writing to have access to such information; or

16 h. Mediators or similar outside parties and their staffs enlisted by all Parties
17 to assist in the resolution of this matter.

18 8. The parties agree that either party may use "Confidential Materials" in open court
19 at hearings in or during the trial of this action. The parties agree that either party may also use
20 "Confidential Materials" in any motion, memoranda, brief or other document filed with the
21 Court in this action, or as an exhibit or exhibits in support of any motion, memoranda or brief
22 filed with the court in this action.

23 9. Any motion, memoranda, brief or document, or exhibit containing "Confidential
24 Materials" must be filed with the court under seal so that the party seeking to maintain the
25 documents' confidentiality may submit a motion to seal pursuant to LR 5(g).

26 10. This Order is without prejudice to the right of any party to seek relief from the
27 Court, upon good cause shown, from any of the provisions contained in this Order. This Order

STIPULATED PROTECTIVE ORDER - 4

No. [Cause Number]

no # 0206302

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1 shall not be construed as waiving any right to assert a claim of privilege, relevance, overbreadth,
2 burdensomeness or other grounds for not producing material called for, and access to such
3 material shall be only as otherwise provided by the discovery rules and other applicable law.
4 Nothing in this agreed Order shall be construed to be an admission against a party or constitute
5 evidence of any fact or issue in this case.

6 DATED this _____ day of _____, 2009.

7
8 _____
United States District Judge

9
10 Presented by:

11 MacDONALD HOAGUE & BAYLESS

12
13 By: Andrea Brenneke

Andrea Brenneke, WSBA # 22027
Attorneys for Plaintiffs

15 CROLLARD LAW OFFICES

16
17 By: Jeff Crollard

Jeff Crollard, WSBA # 15561
Attorneys for Plaintiffs

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STIPULATED PROTECTIVE ORDER - 5

No. [Cause Number]

no # s296302

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Certificate of Service

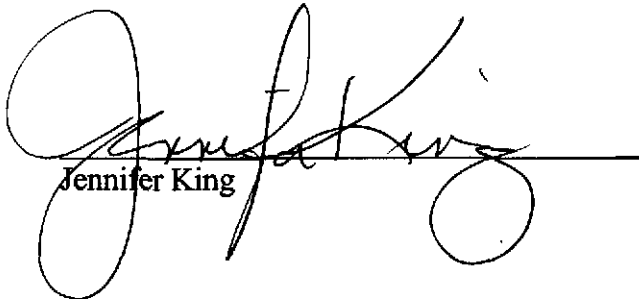
The undersigned certifies under penalty of perjury according to the laws of the United States and the State of Washington that on this date I caused to be served in the manner noted below a copy of the foregoing document on the following individual(s):

Counsel for Defendants

Michael M. Young
Assistant Attorney General
P.O. Box 40124
Olympia, WA 98504-0124
Phone: (360) 586-6485
Fax: (360) 586-6659
Email: MichaelY@ATG.WA.GOV

☐ Via Facsimile
☒ Via First Class Mail
☒ Via Email
☐ Via Messenger
☐ Via Overnight Delivery

DATED this 1st day of July, 2009, at Seattle, Washington.


Jennifer King

STIPULATED PROTECTIVE ORDER - 6

No. _____

no # eg016308

MACDONALD HOAGUE & BAYLESS
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